

REMARKS

Claims 1-26 are pending in the present application. No claims are being amended, canceled or added. Thus, a listing of the claims is not necessary.

Election/Restriction

The Examiner has required election in the present application between:

Group I, claims 1-6 and 14, drawn to a polynucleotide encoding MANF2;

Group II, claim 7, drawn to a MANF2 polypeptide;

Group III, claim 8, drawn to method for production of recombinant MANF2 from recombinant cells in culture;

Group IV, claims 9-12 and 15, drawn to MANF2 antibody and method of making the same;

Group V, claim 18, drawn to transgenic non-human animal comprising a human or murine MANF2 transgene;

Group VI, claim 19, drawn to transgenic non-human animal comprising a disruption of an endogenous MANF2 gene;

Group VII, claims 20-25, drawn to a method of treatment with a MANF2 nucleic acid molecule;

Group VIII, claims 20-25, drawn to a method of treatment with a MANF2 polypeptide;

Group IX, claims 20-25, drawn to a method of treatment with a MANF2 agonist;

Group X, claims 20-25, drawn to a method of treatment with a MANF2 antagonist;

Group XI, claims 20-25, drawn to a method of treatment with a MANF2 antibody; and
Group XII, claim 26, drawn to an affinity purification of a MANF2 receptor.

Election with Traverse

For the purpose of examination of the present application, Applicants elect, with traverse, Group II, claim 7, drawn to the MANF2 polypeptide. The basis for the traversal is as follows.

Applicants note that if the MANF2 polypeptide is novel, then any means of making the polypeptide or using the polypeptide is also novel. Thus, Applicants request that should the Group II product claim be found allowable, then that the process claims be rejoined and found allowable as well under *In re Ochiai*. 37 USPQ2d 1127 (Fed. Cir. 1995). Further, should the MANF2 polypeptide be found allowable, then a search of all classes/subclasses associated with Groups I and III-XII would not be necessary.

Applicants also traverse the distinctions made in the Office Action at pages 3-5 between Groups I-XII. For instance, a distinction made between, e.g., Group II and Group XII does not mean there is a distinction between Group I and II, or between Group I and XII.

Also, M.P.E.P. § 806.05(c) is cited page 4 of the Office Action, but M.P.E.P. § 806.05(d) is not cited. In this regard, the Examiner appears to label Groups I, I, III and XII as subcombinations. Thus, reconsideration of these Groups under M.P.E.P. § 806.05(d) is respectfully requested.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Application No. 10/648,361

Docket No.: 0933-0210P

Art Unit 1633

Reply to Office Action of September 23, 2005

Accordingly, for any and all of the reasons stated above, rejoinder of the Groups is respectfully requested.

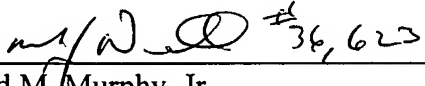
An early and favorable action on the pending claims is respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Eugene T. Perez (Reg. No. 48,501) at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: October 13, 2005

Respectfully submitted,

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